In the High Court of Uttaranchal, at Nainital.

(Stay Application No. 11169/2006)

with

Criminal W.P. No. 1095(M/B) of 2006

Smt. Janki Devi W/o Bhagwan Singh,
R/o Bagga-54, P.S. Khatima,
District U.S. Nagar .... Petitioner.

Vs.

1- State of Uttaranchal,
2- Uttam Singh Jimiwal, S/late
Dan Singh Jimiwal, R/o Village Pachoria,
P.S. Khatima, District U.S. Nagar .. Respondents.

Sri M.S. Pal, learned Senior Advocate, counsel for the petitioner.
Sri D.K. Sharma, learned G.A. for the State.

Coram: Hon'ble B.C. Kandpal, J.
Hon'ble Prafulla C. Pant, J.

Heard Sri M.S. Pal, Senior Advocate, learned counsel for the petitioner and Sri D.K.Sharma, learned G.A.

2- By means of this writ petition the petitioner has sought the following reliefs:-

(i) To issue a writ or direction in the nature of certiorari to quash the F.I.R. dated 23-7-2006 in case crime No. 2658/2006, U/S 304-B I.P.C. and Section ¾ Dowry Prohibition Act, P.S. Khatima, District U.S. Nagar.

(ii) To issue a writ, order or direction in the nature of mandamus commanding the respondents not to

harass and arrest the petitioner in view of the impugned F.I.R.

3- After going through the first information report, annexed with the writ petition, it is found that the petitioner, who is mother-in-law of Smt. Kamala (deceased), harassed her before her death. In the facts and circumstances of the case, we are not inclined to interfere, in the investigation of the matter, under Article 226 of the Constitution of India.

4- The writ petition is dismissed in limine.

5- The interim relief application also stands rejected.

6- However, if the petitioner is arrested or surrenders before the court, the bail application, if moved by the petitioner, shall be heard and decided without unreasonable delay, by the court concerned.

(Prafulla C. Pant, J.) **(B.C. Kandpal, J.)**

Dated: 31-8-2006
ISB